

Issued October 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1095.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On August 16, 1910, the United States Attorney for the Northern District of Ohio, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Leroux Cider & Vinegar Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about September 13, 1909, from the State of Ohio into the State of Illinois of a quantity of tomato catsup which was adulterated and misbranded.

Examination of a sample of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain yeasts 25 per one-sixtieth cmm., bacteria estimated at about 35,000,000 per cc., and mold filaments and tissues, indicating the presence of decayed fruit. Adulteration was alleged for the reason that said product contained filthy, decomposed, or putrid vegetable substances. Misbranding was alleged for the reason that the label of said product was false and misleading in that it represented that the product was made from red ripe tomatoes, pure spices, onions, and granulated sugar, when, in fact, it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 26, 1910, the defendant pleaded nolo contendere, and the court imposed a fine of \$25 on each count, amounting in all to \$50, and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 28, 1911.*

